

Customer No. 24498
Internal Docket No. RCA88813 US
Advisory Action Date: December 17, 2007

Remarks/Arguments

Claims 1-5, 7-10 and 12-17 are pending in this application, and are rejected in the final Office Action of June 1, 2007. Claims 1, 10 and 14 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as their invention. No new matter is believed to be introduced by these amendments.

In the advisory action dated December 17, 2007 the Examiner indicated that for purposes of appeal the proposed amendments would not be entered without addressing applicants' specific arguments in the response filed November 19, 2007. Applicants respectfully request that the response dated November 19, 2007 be entered into the application and that the examiner respond to the arguments submitted by the applicants so that applicants can more fully address the concerns of the examiner.

As mentioned in the response of December 17, 2007, a notable feature of the claimed invention is that the downloaded content is stored in a memory of the apparatus that is spaced apart from an integrated circuit card which is received into the apparatus. By contrast, Chan discloses a system, implemented in software on a smart card (i.e., integrated circuit card), which enables the downloading of new applications directly onto the smart card itself (see, for example, column 5, lines 25-28), not to a memory that is separate and spaced apart from the integrated circuit card, as claimed.

The examiner alleged that this feature was not recited in the claims. In fact, contrary to the examiner's statement, this feature was clearly recited in each of the independent claims, for example, in claim 1: "... content in a memory of the terminal that is spaced apart from the integrated circuit card. (emphasis added)" However, to move the prosecution of this case forward, applicants have further amended the independent claims to specify that the memory of the terminal is separate from the integrated circuit card. Thus, applicants submit that this feature, which is not disclosed by Chan, is clearly recited in the claims.

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Furthermore, applicants respectfully submit that the examiner continues to misapply the teachings of Chan with respect to the recited limitation of 'entitlement information' to justify the rejection under 35 USC 102 (e). The examiner appears to maintain that the signature used in the apparatus of Chan for verifying the validity and integrity of the application corresponds to the entitlement contained in the integrated circuit card.

As discussed in detail in applicants' previous responses, applicants respectfully submit that a signature used for verifying the validity and integrity of the application is entirely distinguishable from entitlement information which is used to verify that a particular user is entitled to receive and use the downloaded content. Applicants submit that those skilled in the art would readily recognize this distinction, wherein a signature is directed to verifying the application that is received from another party, whereas the entitlement information is directed to verifying that a particular user may download and use the information. A signature does not provide any information as to whether a particular user is entitled to download and use a selected content. Similarly, the entitlement information does not provide any information as to the veracity of the source or the integrity of a particular received application.

In this regard, the independent claims have been amended to specify that the entitlement information represents a right to download and use the selected content. This type of information is distinguishable from a signature that is used to verify the validity and integrity of downloaded applications as mentioned in Chan.

In view of the above, applicants respectfully submit that Chan fails to disclose or suggest each and every limitation of independent claims 1, 10 and 14, and as such, these claims, and the claims that depend therefrom, are not anticipated by Chan.


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Conclusion

Having fully addressed the Examiner's rejection it is believed that, in view of the preceding amendments and remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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Date: 3/25/08